

02-07-05

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EXPRESS MAIL NO.: ED 701 988 222 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. Dasseux, *et al.*

Confirmation No. 2131

Serial No.: 10/802,080

Group Art Unit: 1639

Filed: March 15, 2004

Examiner: Bennett M. Celsa

For: APOLIPOPROTEIN A-I AGONISTS
AND THEIR USE TO TREAT
DYSLIPIDEMIC DISORDERS

Attorney Docket No.: 9196-031-999
CAM: 305734-999030

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed January 6, 2005, the Examiner has imposed a Restriction Requirement under 35 U.S.C. § 121, requiring election of one of the following groups of claims:

- Group I: Claims 63-118, drawn to compositions comprising an "ApoA-I agonist", classified in class 514, subclass 2, 12-13;
- Group II: Claims 119-124, drawn to method of treating dyslipidemia, classified in class 514, in general; and
- Group III: Claims 125-127, drawn to method of treating septic shock, classified in class 514, in general.

In response to the Restriction Requirement under 35 U.S.C. § 121 in connection with the above-captioned application, Applicants hereby elect to prosecute the claims of Group I (Claims 63-118), drawn to compositions comprising an ApoA-I agonist.

As further required under 35 U.S.C. § 121 to elect a single disclosed species, Applicants hereby elect to prosecute a species of SEQ ID NO:4 to facilitate prosecution on the merits. It is believed that Claims 68-101, 103 (in part) and 104-110 read on the elected species. Applicants understand that their election of species is being made solely to facilitate examination of the application and that they are entitled to consideration of additional species upon allowance of a generic claim.

Applicants expressly reserve the right to pursue the non-elected subject matter in a subsequent continuation and/or divisional application.

CONCLUSION

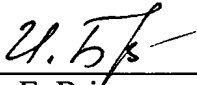
Applicants respectfully request examination on the merits of the elected claims.

Applicants believe no fee is due in connection with this response. However, the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. § 1.17 and all required extension of time fees, or credit any overpayment, to Jones Day U.S. Deposit Account No. 503013, referencing Attorney Docket No. 9196-031-999.

Respectfully submitted,

Date

February 4, 2005


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50,498

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